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7 CENTER FOR BIOLOGICAL
8 DIVERSITY, et al.,

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10 Plaintiffs,

11 v.

12 MICHAEL S. REGAN,

13 Defendant.
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15 Case No. [22-cv-03309-RS](#)

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ORDER SCHEDULING BRIEFING

25 Plaintiffs are non-profit environmental advocacy groups who originally filed this action as
26 a citizen's suit under the Clean Air Act, 42 U.S.C. §§ 7401–7671q, seeking to compel the
27 Administrator of the United States Environmental Protection Agency ("EPA") to carry out
28 allegedly outstanding legal obligations to promulgate Federal Implementation Plans ("FIP")
pertaining to nonattainment areas in California and New Hampshire. Complaint, Para. 1,
Dkt. No. 1. Plaintiffs subsequently filed an amended complaint adding a claim (among others) to
compel the EPA to "take final action on State Implementation Plans ("SIP") for the 2008 ozone
National Ambient Air Quality Standards ("NAAQS")" in several specified nonattainment areas,
including Colorado. Amended Complaint, Para. 1, Dkt. No. 23.

29 Prior to any court adjudication on the merits, the parties submitted a joint motion to enter a
30 consent decree. Dkt. No. 35. Pursuant to that joint motion, judgment was entered in the form
proposed by the parties. Dkt. No. 37.

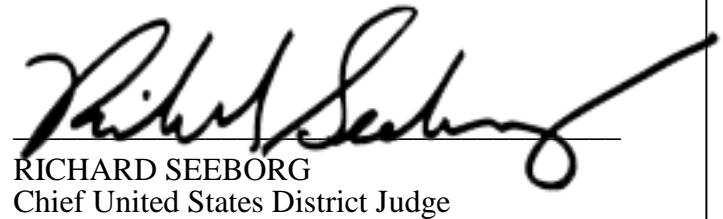
31 Plaintiffs then filed a motion to "enforce" the consent decree. The day opposition to that

1 motion was due, the State of Colorado sought leave to intervene in the action and to extend the
2 date for opposition. An order issued that same day suspending briefing on plaintiffs' motion.
3 Defendant, however, proceeded to file opposition as originally scheduled.

4 At this juncture, Colorado's request to intervene and to file separate opposition to
5 plaintiffs' motion will continue to be held in abeyance. Plaintiffs may file any reply brief in
6 support of their motion within one week of the date of this order.

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9 **IT IS SO ORDERED.**

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11 Dated: January 4, 2024



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13 RICHARD SEEBORG
14 Chief United States District Judge

United States District Court
Northern District of California